

REMARKS

The Office Action mailed October 10, 2008, has been carefully reviewed, and the following remarks are made in consequence thereof.

Claims 1-10 are now pending in this application. Claims 1-10 are rejected.

The rejection of Claim 6 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention is respectfully traversed. Specifically, Applicant respectfully traverses the comment that the “phrase ‘so as to urge the portion . . . hook member’ is not fully understood in the context of the claimed invention, and appears to be inconsistent with claim 5.”

Claim 5 recites a “locking mechanism . . . wherein the mechanism includes a spring connected to the hook member to urge it out of retaining engagement with the movable member.”

Claim 6 recites a “locking mechanism according to Claim 5, wherein the spring is connected between the hook member and the latch member so as to urge the portion of the latch member into engagement with the hook member.”

Applicant respectfully submits that the recitation in Claim 6 is consistent with the recitation in Claim 5. The relevant portion of Claim 5 describes connecting a spring to a hook member to disengage the hook member from a movable member. Claim 6 then describes attaching the spring to a latch member, such that the connection of the spring between the hook member and the latch member facilitates engaging a portion of the latch member with the hook member. In other words, Claim 5 is directed to the disengagement of the hook member from the movable member, while Claim 6 is directed to the engagement between the hook member and a portion of the latch member.

Furthermore, Applicant respectfully submits that one of ordinary skill in the art would understand the recitation “so as to urge the portion of the latch member into engagement with the hook member” as used in Claim 6 after reading the specification in light of the drawings. Specifically, at page 3 of the specification, spring 35 is described as being used to pull the lower end 30 of hook 3 away from opening 20 containing pin 1 (movable member). Page 3 of the specification also describes that spring 35 is used to urge hook 3 into engagement with

roller 45 (a portion of latch member). In light of the specification, Applicant submits that the recitation in Claim 6 would be readily understood by one of ordinary skill in the art.

For at least reasons set forth above, Applicant respectfully requests that the rejection of Claim 6 under 35 U.S.C § 112, second paragraph, be withdrawn.

The rejection of Claims 1-7 and 10 under 35 U.S.C. § 102(b) as being anticipated by Collet et al. (U.S. Patent Number 6,811,118) (hereinafter referred to as “Collet”) is respectfully traversed.

Applicant respectfully submits that Collet is an improper prior art reference under 35 U.S.C. § 102(b). Under 35 U.S.C. § 102(b), an applicant will be denied a patent if the invention “was patented or described in a printed publication . . . more than one year prior to the date of application for patent in the United States.” MPEP § 706.02(a) provides that a patent or printed publication will be prior art under Section 102(b) if “the publication or issue date of the reference is more than 1 year prior to the effective filing date of the application” as defined by MPEP § 706.02.

The present application is a national stage application of an international application filed under 35 U.S.C. § 371 and the Patent Cooperation Treaty (“PCT”). MPEP § 706.02 refers to MPEP § 1893.03(b) for determining the effective filing date of a national stage application under 35 U.S.C. § 371. MPEP § 1893.03(b) provides, in pertinent part:

An international application designating the U.S. has two stages (international and national) with the filing date being the same in both stages. Often the date of entry into the national stage is confused with the filing date. It should be borne in mind that the filing date of the international stage application is also the filing date for the national stage application.

As the present application is a national stage application of an international application designating the United States (PCT/GB2004/002890), the application is afforded an effective filing date of July 2, 2004, its international filing date. Furthermore, as is further described in MPEP § 1893.03(c), the present application properly claims priority under 35 U.S.C. § 365(b) and 35 U.S.C. § 119(a) to a prior foreign application (GB0315941.5) filed on July 8, 2003. Applicant notes that Collet was issued as a patent on November 2, 2004, and cites a prior publication date of September 4, 2003. Neither the issue date nor the publication date of Collet is more than 1 year prior to Applicant’s effective filing date of July 2, 2004,

nor Applicant's claim to foreign priority of July 8, 2003. Accordingly, Collet may not be relied upon as a prior art reference under 35 U.S.C. § 102(b).

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 1-7 and 10 under Section 102(b) be withdrawn.

The rejection of Claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Collet is respectfully traversed. As discussed above, Collet is an improper prior art reference under Section 102(b). For at least the same reasons set forth above, Collet is an improper prior art reference under Section 103(a).

For at least the reasons set forth above, Applicant respectfully requests that the rejection of Claims 8 and 9 under Section 103(a) be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert B. Reeser, III", is written over a horizontal line.

Robert B. Reeser, III
Registration No. 45,548
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
(314) 621-5070